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8 *erroneously sued as LIBERTY MUTUAL INSURANCE*  
and LIBERTY MUTUAL INSURANCE CORPORATION

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

19           **COME NOW**, Defendant, LIBERTY INSURANCE CORPORATION *erroneously*  
20       *sued as LIBERTY MUTUAL INSURANCE and LIBERTY MUTUAL INSURANCE*  
21       COPORATION (hereinafter also referred to as “Liberty Mutual” or “Defendant”), by and  
22       through its attorneys, the law firm of KOELLER, NEBEKER, CARLSON & HALUCK, LLP,  
23       and Plaintiffs, DARLENE CARTER and DAVID BIANCO (hereinafter “Plaintiffs”), by and  
24       through their attorneys of record, Steven Mack, Esq., of GIBBS GIDEN LOCHER TURNER  
25       SENET & WITTBRODT LLP and hereby submit this joint stipulated request to extend the  
26       time for the remaining discovery deadlines by sixty (60) days.

27 As an initial matter, the parties specifically note for the Court the instant request to  
28 extend time and discovery is in direct response to impacts upon witness availability.

1       **A. Statement of Completed Discovery.**

2           The parties have performed initial disclosures of witnesses and documents as well as  
3 supplemental disclosures of documents that were obtained via subpoenas to non-parties. The  
4 Defendant served subpoenas for records from the Custodian of Records for non-parties  
5 Affordable Home Services d/b/a D Best Plumbing, Ariat Roofing, Inc., Belfor USA Group,  
6 Inc., City of Las Vegas Department of Building & Safety, DALLASWHITE Corporation,  
7 Desert Home Electric, Eco Electric, FieldAware, Innovation Group, Nevada Contractors Board,  
8 TLC Roof Services, and Williams Electric. Of the non-parties served with subpoenas,  
9 Affordable Home Services d/b/a D Best Plumbing, Belfor USA, City of Las Vegas Department  
10 of Building and Safety, DALLASWHITE Corporation, Desert Home Electric, Eco Electric,  
11 FieldAware, Innovation Group, TLC Roof Services, and Williams Electric have responded and  
12 provided documents. The parties subject to subpoenas requested extensions of time to respond  
13 to provide documents, resulting in delayed receipt of materials. All of the documents received  
14 in response to subpoenas have been produced to Plaintiffs.

15          Plaintiffs also served interrogatories and requests for production of documents, and  
16 responses have been served. Plaintiffs and Defendant have also retained litigation consultants;  
17 Plaintiffs have also served subpoenas on Innovative, Belfor and Dallaswhite. Plaintiffs have  
18 also conducted multiple depositions including Innovative representatives, Belfor  
19 representatives and has depositions set for Dallaswhite and Liberty corporate representatives and  
20 Defendant's experts. Plaintiffs have also requested the depositions of Liberty Insurance  
21 Corporation employees, August Nardoni, Matt Degelormo, and Wanda Chambers.

22       **B. Statement of Discovery that Remains to be Completed.**

23          Depositions of Plaintiffs and litigation consultants are anticipated as well as the  
24 depositions set and yet to be held by Plaintiffs as referenced above. Entities involved with the  
25 observation, evaluation, restoration, and repair cost estimates may be deposed, although the  
26 number of such depositions may be reduced by the outcome of expert consulting and opinions.

27          Plaintiffs also anticipate deposition of party affiliates, including representative of the  
28 Nevada State Contractor's Board as well as the City of Las Vegas Inspector.

1       Further, it is anticipated that the experts will be updating their reports after the  
2 depositions are completed.

3       **C. Statement Supporting the Necessity of Extending Dates within the Scheduling  
4 Order.**

5       The extension of time is requested to accommodate both parties' adherence to guidance  
6 of the Center for Disease Control and the Court for implementation of restrictions to avoid  
7 spread and contraction of spread of COVID-19. The extension is also specifically necessary to  
8 accommodate rescheduling of depositions and discovery previously scheduled by Plaintiffs and  
9 allow for the scheduling of Plaintiffs and Plaintiffs' designated experts. In particular Plaintiffs  
10 have scheduled depositions for August Nardoni, Matt Degelormo, Wanda Chambers, and  
11 Liberty's Person Most Knowledgeable. These depositions have been delayed due to efforts to  
12 coordinate out-of-state depositions for remote appearance for the parties and attorneys to avoid  
13 travel. The additional time the parties jointly request herein is intended to accommodate the  
14 anticipated delay, but the parties nonetheless also note they are aware of some potential that  
15 additional delays and resulting requests for further extensions may precipitate if  
16 meeting/deposition restrictions and guidance for avoidance are also extended. Additionally, the  
17 extension of time allows for Defendant to request the depositions of Plaintiffs and Plaintiffs'  
18 designated experts.

19       **D. Proposed Revised Schedule**

20       With a sixty (60) day discovery extension of the remaining discovery deadlines, as well  
21 as the total time for discovery, the new discovery cut-off date will be **November 6, 2020**. The  
22 Parties propose to extend the remaining discovery deadlines in this case by sixty (60) days, and  
23 the resulting changes to the scheduling order will result in the following:

24       Close of Discovery: Currently, the close of discovery is September 7, 2020. The  
25 proposed cut-off date is **November 6, 2020**, although expert report updates could  
26 extend beyond this date depending on the completion of the depositions.

27       Dispositive Motions: Dispositive motions will be made no later than **December 6,  
28 2020**, which does not exceed the outside limit of thirty (30) days following the

1 discovery cut-off date that LR26-1(b)(4) presumptively sets for filing dispositive  
2 motions.

3 Pretrial Order: The Joint Pretrial Order shall be filed by **January 6, 2021**, which is no  
4 later than thirty (30) days after the date set for the filing of dispositive motions.

5 Interim Status Report: The Parties filed the interim status report required by LR 26-3 on  
6 **November 10, 2019.**

7 DATED this 25<sup>th</sup> day of August, 2020.

DATED this 25<sup>th</sup> day of August, 2020.

8 KOELLER, NEBEKER, CARLSON  
& HALUCK, LLP

GIBBS GIDEN LOCHER TURNER  
SENET & WITTBRODT LLP

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15 INSURANCE CORPORATION

By: /s/Steven Mack  
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16 Attorneys for Plaintiffs,  
DARLENE CARTER and DAVID  
BIANCO

17 IT IS SO ORDERED.

**ORDER**



UNITED STATES MAGISTRATE JUDGE

DATED: August 31, 2020

20 Respectfully Submitted by:

21 KOELLER, NEBEKER CARLSON  
& HALUCK, LLP

22 By: /s/Andrew C. Green  
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